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**FILED**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MAY 31 2006

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

STATE OF OKLAHOMA ex rel,  
Drew Edmondson, et al.,

Plaintiff,

vs.

TYSON FOODS, INC., ET. AL.,

Defendants and Third Party Plaintiffs,

v.

CITY OF TAHLEQUAH, et al.,

Third Party Defendants.

NO. 05-CV-0329-JOE-SAJ

**ANSWER OF THIRD PARTY DEFENDANT,  
WILLIAM AND CHERRIE HOUSE TO THIRD PARTY COMPLAINT**

Comes now William and Cherrie House of Stilwell, Adair County, Oklahoma and for his Answer to the Third Party Complaint of Tyson Foods, Inc., Tyson Poultry, Inc. Tyson Chicken, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., Simmons Foods, Inc., George's Farms, Inc., and Willow Brook Foods, Inc., (collectively referred to hereinafter as Third Plaintiffs) alleges and states:

**I. Background**

1. Third Party Defendant, William and Cherrie House alleges and states that he and she is without sufficient knowledge or information with which to admit the allegations contained in the Third Party Complaint paragraphs 1 through 9, and therefore denies the same and demands strict proof thereof.

**II. PARTIES**

2. Third Party Defendant William and Cherrie House is without sufficient knowledge or information to admit the allegations of Third Party Complaint paragraphs 19 through 170, except paragraph 100, and therefore denies all such allegations and demands strict proof thereof.

3. Third Party Defendant William and Cherrie House is without sufficient knowledge or information to admit the allegations of paragraphs 19 Through 170, except paragraph 100, and therefore denies all such allegations and demands strict proof thereof. That as to paragraph 100, Third Party Defendant William and Cherrie House admits he and she permits cattle to graze within Adair County, but denies depositing manure on some or all of his premises; specifically, he and she denies contaminating within the IRW with release of phosphorus and other constituents and demands strict proof thereof he denies Third Party Plaintiffs have the legal basis to seek recovery upon contributions and/or indemnity.

#### **IV. JURISDICTION AND VENUE**

4. Third Party Defendant William and Cherrie House denies jurisdiction and venue. Specifically, jurisdiction and venue, if any, lies within the United States District Court for the Eastern District of Oklahoma. Specifically, it is further denied that Third Defendant has engaged in any activities within the jurisdiction of the United States District Court for Northern District of Oklahoma for which it would be liable.

#### **V. STATEMENTS OF FACT**

##### **A. The Underlying Lawsuit**

5. Third Party Defendant William and Cherrie House is without sufficient knowledge or information to admit to the allegations of the Third Party Complaint under paragraphs 174 through 195 and therefore denies each and every allegation and demands strict proof thereof.

##### **B. General Allegations Regarding Third Party Defendants**

6. Third Party Defendant William and Cherrie House specifically denies the allegations of the Third Party Complaint paragraphs 196 through 221, inclusive, and demands strict proof thereof.

### **AFFIRMATIVE DEFENSES**

7. Third Party Defendant for affirmative defenses alleges, to-wit:
- a. failure to state claim upon which relief can be granted;
  - b. lack of standing;
  - c. legal and equitable estoppel;
  - d. lack of venue; and
  - e. lack of causation.

WHEREFORE, Third Party Defendant William and Cherrie House pray that the Third Party Plaintiffs, Tyson Foods, Inc., Tyson Poultry, Inc. Tyson Chicken, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., Simmons Foods, Inc., George's, Inc., and Willow Brook Foods, Inc. take nothing by their Third Party Complaint and that this Third Party Defendant be discharged with his costs including a reasonable attorney fee, and such other relief as may be just and equitable.

Respectfully submitted,

William and Cherrie House, Third Party Defendant

BY: William House

William and Cherrie House  
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